

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,
Plaintiffs,
v.
STATE OF WASHINGTON, et al.,
Defendants.

CASE NO. C70-9213RSM
SUB-PROCEEDING NO. 17-03
ORDER

This matter is before the Court following the parties' submission of proposed scheduling orders. Dkts. #121 and #122. A scheduling conference was previously set for September 26, 2019. Considering the parties' submissions, the Court does not find that a scheduling conference is warranted to address the minor disagreements between counsel. The Court will strike the scheduling conference and set a case schedule below.

Stillaguamish also filed a motion requesting that the Court not consider certain material contained in the proposed schedule of the opposing tribes. Dkt. #123. As the Court does not need to consider the disputed information to resolve the issues before the Court, that motion is moot.

Accordingly, and having reviewed the record, the Court finds and ORDERS:

1. The Court STRIKES the September 26, 2019 scheduling conference.
2. The Stillaguamish Tribe of Indians' Motion for Miscellaneous Relief re: Responding

1 Tribes' Response to Court's August 14 Direction: [Proposed] Order Setting Pre-Trial
2 Schedule, Trial Date, and Related Dates (Dkt. #123) is DENIED as moot.

3 3. The Court SETS the following case schedule:

4 TRIAL DATE:	March 29, 2021
5 Length of Trial:	10 days
6 Stillaguamish to identify expert:	September 30, 2019
7 Deadline to join additional parties or for parties 8 to file a Notice of Participation in this subproceeding:	October 3, 2019
9 Deadline to file motion to amend pleadings:	October 17, 2019
10 Stillaguamish to disclose expert testimony and 11 reports under FRCP 26(a)(2):	February 3, 2020
12 Deadline to disclose rebuttal expert testimony 13 and reports under FRCP 26(a)(2):	June 1, 2020
14 Deadline for completion of all discovery:	August 31, 2020
15 Deadline for filing motions related to discovery:	September 24, 2020
16 Deadline for filing dispositive motions and 17 motions challenging expert witness testimony:	October 29, 2020
18 Stillaguamish to serve pre-trial statement:	January 11, 2021
19 Responding parties serve pre-trial statement:	February 8, 2021
20 Deadline for filing motions in limine:	February 18, 2021
21 Agreed pretrial order due:	March 17, 2021
22 Pretrial conference	To be set
23 Trial briefs and trial exhibits due:	March 24, 2021

24 All other dates are specified in the Local Civil Rules. If any of the dates identified in this
Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be

1 performed on the next business day. These are firm dates that can be changed only by order of
2 the Court, not by agreement of counsel or the parties. The Court will alter these dates only upon
3 good cause shown. Failure to complete discovery within the time allowed is not recognized as
4 good cause.

5 If the trial date assigned to this matter creates an irreconcilable conflict, counsel must
6 notify the Deputy Clerk, Lowell Williams or Laurie Cuaresma by telephone at (206) 370-8521
7 within 10 days of the date of this Order and must set forth the exact nature of the conflict. A
8 failure to do so will be deemed a waiver. Counsel must be prepared to begin trial on the date
9 scheduled, but it should be understood that trial may have to await completion of other cases.

10 **ALTERATIONS TO ELECTRONIC FILING PROCEDURES**

11 As of June 1, 2004, counsel are required to electronically file all documents with
12 the court. Pro se litigants may file either electronically or in paper form. Information and
13 procedures for electronic filing can be found on the Western District of Washington's
14 website at <https://www.wawd.uscourts.gov>.

15 The following alterations to the Electronic Filing Procedures apply in all cases
16 pending before Judge Martinez:

17

- 18 • Section III, Paragraph F: When the aggregate submittal to the Court (*i.e.*, the
19 motion, any declarations and exhibits, the proposed order, and the certification of
20 service) exceeds **50 pages** in length, a paper copy of the documents (3-hole punch,
21 with dividers, banded or clipped as needed. No binders.) must be delivered to the
22 Clerk's Office by 10:30 a.m. the day after the filing. The chambers copy must be
23 clearly marked with the words "Courtesy Copy of Electronic Filing for
24 Chambers."

- Section III, Paragraph L: Unless the proposed order is stipulated, agreed, or otherwise uncontested, the parties need not email a copy of the order to the judge's orders email address.

PRIVACY POLICY

Pursuant to the General Order of the Court regarding Public Access to Electronic Case Files (filed May 29, 2003), parties are to redact the following information from documents and exhibits before they are filed with the court:

- Dates of Birth – redact to the year of birth
- Names of Minor Children – redact to the initials
- Social Security Numbers and Taxpayer–Identification Numbers – redact in their entirety
- Financial Accounting Information – redact to the last four digits
- Passport Numbers and Drivers License Numbers – redact in their entirety

The General Order was issued pursuant to the official policy on privacy adopted by the Judicial Conference of the United States and can be found on the court's website at <https://www.wawd.uscourts.gov/docs>. All documents filed in the above-captioned matter must comply with the Privacy Policy and the General Order.

COOPERATION

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final Pretrial Order in the format required by LCR 16.1, except as ordered below.

EXHIBITS

The original and one copy of the trial exhibits are to be delivered to chambers seven days before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the Clerk's Office. The Court hereby alters the LCR 16.1 procedure for numbering exhibits:

Plaintiff's exhibits shall be numbered consecutively beginning with the number "1" (one). Defendant's exhibits shall be numbered consecutively beginning with "A-1" (one). Duplicate documents shall not be listed twice. Once a party has identified an exhibit in the Pretrial Order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

SETTLEMENT

Should this case settle, counsel shall immediately notify Lowell Williams or Laurie Cuaresma, at (206) 370-8521. Pursuant to LCR 3(b), an attorney who fails to give the courtroom deputy prompt notice of settlement may be subject to such sanctions or discipline as the Court deems appropriate.

Dated this 24 day of September 2019.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE